

### **REMARKS/ARGUMENTS**

Claims 22-31 are all the claims currently pending in the present application. Based on the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

#### **I. Rejection of Claims 22-31 Under 35 U.S.C. § 103(a)**

Claims 22-31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Everson et al. (U.S. Patent No. 5,261,094; hereinafter “Everson”) in view of Shaheen et al. (U.S. Patent No. 5,434,994; hereinafter “Shaheen”).

Claim 22 requires, *inter alia*, “[a] ... method, comprising: ... *comparing* data records from at least one of a first and a second of the plurality of disparate databases *to corresponding data records of the status file* to determine whether data records of the plurality of disparate databases have changed or been deleted since the prior synchronization or whether there are new data records since the prior synchronization; ... *updating the data records of the status file to reflect the contents* of the data records in the first and the second of the plurality of disparate databases *after the disparate databases* have been *updated*, wherein the *data records of the* first and the second databases are *without unique identification codes*.”

Applicant again submits that the combination of Everson and Shaheen do not teach or suggest at least the above features of claim 22. In rejecting claim 22, the Examiner again correctly concedes that Everson “does not ... teach” or suggest “comparing data records from at least one of a first and a second of the plurality of disparate databases to corresponding data records of the status file to determine whether data records of the plurality of disparate databases have changed or been deleted since the prior synchronization or whether there are new data records since the prior synchronization, as required by claim 22. Additionally the Examiner correctly concedes that Everson “does not ... teach” or suggest “wherein the data records of the first and the second databases are without unique identification codes,” as required by claim 22. (See pgs. 3-4 of the Office Action) However, the Examiner continues to rely on Shaheen to make up for what Everson lacks. (See *id.*) Applicant again respectfully disagrees and submits that the Examiner is giving the combination of references credit for more than they actually disclose.

Applicant notes that in the *Response to Arguments* section that the Examiner relies on a merged log of Shaheen as corresponding to the claimed status file. (See pgs. 7-8 of the Office Action) Applicant disagrees. Additionally, in rejecting claim 1, the Examiner continues to rely on column 1, lines 32-36, column 2, lines 55-56 and column 7, lines 26-35, 41-55 of Shaheen in combination with Everson as disclosing features of claim 1. (See pgs. 3-4 of the Office Action) As pointed out in the Amendment filed November 2, 2007, in contrast to claim 1, Shaheen, alone or in combination with Everson, at best, relates to a manner in which to replicate data and “detect replica inconsistencies,” which may occur during a network failure or remote server failure, “and to initiate an update protocol to detect ... [the] conflicting replicas.” (Col. 1, lines 32-36, 63-66 & Col. 2, lines 50-54 of Shaheen) Shaheen, alone or in combination with Everson, discusses that when a “network or server failure has occurred ... [r]ecovery from this failure is then used to trigger an update process.” (Col. 6, lines 1-2)

Shaheen explains that during an update process, “a coordinator server ... locks its own fileset and sends a request to all subordinates to lock that fileset and to send the current fileset version vector to the coordinator.” (Col. 7, lines 10-14 of Shaheen) Shaheen further describes that “[a] fileset version vector is maintained by each server for each fileset replica and that each modification to a replica on a server is tagged with a unique store-id (stored identification label).” (Col. 7, lines 22-30 of Shaheen) Further, Shaheen discusses that “[t]wo replica states can be compared using their store-ids and version vectors” and that “the result indicates whether the replicas are identical, inconsistent due to concurrent updates to both replicas, or unequal (one replica updated but not the other).” (Col. 7, lines 36-40 of Shaheen) Shaheen also discusses that “[n]ext the coordinator requests the modification log from each subordinate 506 for the fileset to be updated” and explains that the coordinator merges the [modification] logs 510 from all subordinates and sends the merged log to all subordinates” in which each subordinate performs the updates 514 that were missing from its replica.” (Col. 7, lines 44-52 of Shaheen) (emphasis added)

Applicant submits that the combination of Shaheen and Everson is incapable of teaching or suggesting “updating data records of the status file to reflect the contents of the data records *in the first and the second* of the plurality of disparate databases *after* the disparate databases have been updated,” as required by claim 22. Nowhere in Shaheen, alone or in combination with

Everson, is there any mention, teaching or suggestion relating to updating the merged log (alleged status file) disclosed therein to reflect contents of the data records in the first and the second ... databases" (i.e., at least two databases) *after* the two databases *have been updated*, as claimed. Rather, Shaheen, alone or in combination with Everson at best, discloses that the coordinator merges the multiple modification logs into a merged log and sends this merged log to each of the subordinate servers so that each subordinate server can perform updates that were missing from its replica." In Shaheen, alone or in combination with Everson, there is no mention, teaching or suggestion relating to any update of any data records of any file, much less the merged log (alleged status file) to reflect contents of the data *records in two databases after* the subordinate servers have been updated, as required by claim 22. Rather, Shaheen, at best, discloses that the subordinate servers need to receive the merged log in order to perform updates. For at least this reason, the combination of Everson and Shaheen does not teach or suggest all of the features of claim 22.

Applicant notes that MPEP § 707.07(f), which guides the Examiner in such matters, requires that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." In contrast to the requirements of MPEP § 707.07(f), Applicant submits that the Examiner has not responded to the argument set forth above and specifically on page 4 of the Amendment filed November 2, 2007. As such, claim 22 is allowable at least for reasons previously of record.

Moreover, Shaheen, alone or in combination with Everson, discloses that "[a] fileset version vector is maintained for each fileset replica" and "[e]ach modification to a replica on a server is tagged with a unique store-id (store identification label) by the client performing the operation." Shaheen also explains that "two replica states" of a fileset<sup>1</sup> stored on the subordinate servers are "compared using their store-ids" to "indicate[] whether the replicas are identical, inconsistent due to concurrent updates to both replicas, or unequal (one replica updated but not the other)." (Col. 7, lines 26-27 & 36-40 of Shaheen) Shaheen also describes that the modification logs that are used for "updating the fileset replicas contain" a "userid of the update 606," which can be seen in FIG. 6 of Shaheen. (Col. 5, lines 26-33 of Sheenan) In view of at

---

<sup>1</sup> See Col. 5, lines 3-11 of Shaheen explaining that the filesets are replicated at multiple servers.

least the foregoing disclosure of Shaheen, the combination at best, discloses that the replicated filesets stored on the subordinate servers or clients therein have store-ids that are used by the coordinator to compare the replica states and for generation of the modification logs disclosed therein. Nowhere in Shaheen alone or in combination with Everson (and the Examiner cites to none) is there any mention, teaching or suggestion relating to the data records of first and second databases (i.e., two databases) being without unique identification codes, as claimed. Rather, Shaheen, alone or in combination with Everson, is altogether silent and does not contemplate that the data records of servers or clients therein are without unique identification codes, as required by claim 22. Quite the opposite, Shaheen at best discloses the usage of identifications to update the replicated fileset. For at least this additional reason, claim 22 is patentable.

Based on at least the foregoing reasons, Applicant submits that the combination of Everson and Shaheen are deficient and does not teach or suggest all of the features of independent claim 22. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 22 and its dependent claims 24, 26, 27, 28 and 30.

Claim 23 recites “[a] data processing method comprising:” *inter alia*, “comparing data records from at least one of a first and a second of the plurality of disparate databases to corresponding data records of the status file to determine whether data records of the plurality of disparate databases have changed or been deleted since the prior synchronization or whether there are new data records since the prior synchronization; ... and updating the data records of the status file to reflect the contents of the data records in the first and the second of the plurality of disparate databases after the disparate databases have been updated ...”

Given that claim 23 contains features that are analogous to, though not necessarily coextensive with, the features recited in claim 22, Applicant respectfully submits that claim 23 and its dependent claims 24, 25, 26, 27, 29 and 31 are patentable at least for reasons analogous to those submitted for claim 22.

With further regard to dependent claim 25, Applicant submits claim 25 recites independently patentable subject matter given that the combination of Shaheen and Everson fails to teach or suggest wherein the data records of *the status file* are identified by the unique identification code of the first database,” as claimed. As noted above, the Examiner relies on the merged log of Shaheen as corresponding to the claimed status file. However, nowhere in

Appl. No.: 09/240,563  
Amdt. dated 02/21/2008  
Reply to Office action of February 5, 2008

Shaheen, alone or in combination with Everson, is there any mention, teaching or suggestion relating to the data records of the merged log (alleged status file) being identified by the unique identification codes of a first database, as claimed. To the extent that the Examiner persists in this rejection, Applicant respectfully requests the Examiner to indicate what database of the combination is being relied upon as the claimed first database and to specifically point out where the combination mentions that the unique identification codes of the relied upon database are used to identify the data records of the merged log, as required by claim 25. For at least this reason, Applicant submits that the § 103(a) rejection of dependent claim 25 should be withdrawn.

## **II. Conclusion**

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Abel-Jalil is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

Appl. No.: 09/240,563  
Amdt. dated 02/21/2008  
Reply to Office action of February 5, 2008

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Cory C. Davis/

Cory C. Davis  
Registration No. 59,932

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 21, 2008.